



**DEPARTMENT OF THE ARMY**  
**GALVESTON DISTRICT, CORPS OF ENGINEERS**  
P. O. BOX 1229  
GALVESTON, TEXAS 77553-1229

September 14, 2015

**DEPARTMENT OF DEFENSE**

**Department of the Army; Corps of Engineers**

**Notice of Availability for the Environmental Assessment, Houston Ship Channel Project  
Deficiency Report, Houston-Galveston Navigation Channels, Chambers County, Texas**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, Department of Defense;  
Texas Commission on Environmental Quality

**ACTION:** Notice of Availability and Joint Public Notice

**SUMMARY:** The U.S. Army Corps of Engineers (USACE), Galveston District announces the release of the Draft Project Deficiency Report (DPDR), Draft Environmental Assessment (DEA), and the Draft General Conformity Determination (DGCD), and their public comment periods, for the Houston Ship Channel Project Deficiency Report, Houston-Galveston Navigation Channels.

**PURPOSE:** This public notice is to inform interested parties that the U.S. Army Corps of Engineers (USACE), Galveston District (the District) has prepared a DEA in accordance with the National Environmental Policy Act (NEPA), Public Law 91-190, and regulations for implementing the Procedural Provisions of the NEPA, 40 Code of Federal Regulations 1500-1508. This notice is being distributed to interested Federal, state and local agencies, private organizations, and individuals in order to assist in collecting facts and recommendations concerning the tentatively recommended corrective actions to the existing authorized 45-foot deep Houston Ship Channel (HSC) at the Flare at the intersection of the HSC and Bayport Ship Channel (BSC) and to approximately 3,600 feet of the channel at the bend just south of the Flare.

**PROJECT LOCATION:** The Flare and bend are included in the HSC Reach of the Houston-Galveston Navigation Channels (HGNC) Project, Texas. The Flare provides entry to the BSC and the associated Bayport Ship Channel (BSC) Container Terminal and private bulk liquid terminals at the end of the BSC. The bend is located approximately 0.6 miles south of the intersection of the HSC and BSC, and this segment of channel continues the access that the HSC provides to Port of Houston and petrochemical facilities located north of the bend and Flare, including those along the Barbours Cut Channel and along the HSC upstream of the mouth of the HSC and San Jacinto River. The project area is located on the upper Texas coast in the upper part of Galveston Bay in Chambers County, Texas.

**PROJECT DESCRIPTION:** The recommended deficiency corrective action consists of increasing the existing southern radius of the Flare to 4,000 feet, widening the HSC by a maximum 235 feet to the east between about HSC Station 26+484 and HSC Station 30+090, and relocating the existing barge lanes to accommodate the widened HSC. The barge lanes will be relocated to the east of the HSC widening and consistent with the original design. The corrective actions would increase navigability for vessels transiting this segment of the HSC, and entering

into the BSC.

**NEED FOR WORK:** The proposed corrective actions are needed to correct a deficiency inherent in the design of the HGNC project. The channel design for the HGNC did not fully account for impacts of the channel improvements within the HSC in the vicinity of the BSC. A hazardous and unacceptable navigation condition has resulted. Increased traffic and vessel size afforded by the channel improvements authorized by WRDA 1996 has increased the potential for collisions and accidents within this section of the HSC. The intersection of the HSC and BSC has been a major safety concern for over a decade. Vessels turning off the HSC into the BSC are required to make two significant course changes in approximately a ship length; both course changes were increased with the movement. This requires ships entering into the BSC to slow down in order to make the turns. This impacts other HSC ship traffic negatively, causing them to slow down, reducing ship control. Another issue is transit at the HSC Bend. When a ship is headed north on the channel towards Morgans Point, as ships make the 15 degree turn at the HSC Bend, there is a tendency to cross the channel centerline. Without the corrective actions, these navigation safety issues will continue, increasing the risks of vessel groundings and collisions.

**PROPOSED WORK:** The recommended deficiency corrective action consists of increasing the existing southern radius of the Flare to 4,000 feet, widening the HSC by a maximum 235 feet to the east between about HSC Station 26+484 and HSC Station 30+090, and relocating the existing barge lanes to accommodate the widened HSC. The barge lanes will be relocated to the east of the HSC widening and consistent with the original design. The work would be accomplished using a hydraulic dredge with cutterhead and pumping the dredged new work materials to PA 14, located in close proximity and northeast of the project. The resulting 1.94 MCY of new work materials would be stacked along the interior slope of the existing perimeter dike to form a berm and used for future dike raising construction. Prior to dredging, the PA 14 containment dike would be mechanically raised three feet to the interior of the existing dike crest by borrowing material from the existing interior berm area located just interior of the existing dike. Once dredged, the new work would be pumped to PA 14 to form a berm along the interior of the raised dike. The berm would provide increased future dike foundation strength by displacing and consolidating some of the existing softer materials beneath the berm, provide a base upon which to build future dike raises, and provide desirable clay soils for future dike raises. The upland confined Mid Bay PA would be considered as an alternate location for new work placement for this project should unforeseen circumstances occur prior to construction precluding the use of or limiting the capacity of PA 14.

**COMPLIANCE WITH LAWS AND REGULATIONS:** This proposed plan is being coordinated with the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and other Federal, state, and local agencies. Informal consultation procedures have begun with the USFWS and NMFS in compliance with the Endangered Species Act, as amended. Our initial determination is that the proposed action will not have any adverse impacts on threatened or endangered species.

*Essential Fish Habitat:* This notice initiates Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action will not have a substantial adverse impact on Essential Fish Habitat or federally-managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

*Texas Council on Environmental Quality (TCEQ) Water Quality Certification:* The proposed dredged material placement plan will also be evaluated with regard to the requirements of Section 404(b)(1) of the Clean Water Act. Water quality certification has been requested from the TCEQ.

*Draft General Conformity:* As required by the Clean Air Act, the Environmental Protection Agency (EPA) has promulgated rules to ensure that Federal actions conform to the appropriate State Implementation Plan (SIP). The General Conformity Rule (40 CFR Part 51, Subpart W) applies to Federal actions, within maintenance or nonattainment areas. Pursuant to Section 176 of the Clean Air Act Amendments of 1990, the USACE has prepared a document titled, "Draft General Conformity Determination for Houston Ship Channel Project Deficiency Report (Flare at the Intersection of the Houston Ship Channel and Bayport Ship Channel) Chambers County, Texas (Appendix 4 of the DEA)". This document is hereby noticed for public comment and will be submitted by the USACE to the TCEQ, EPA, and the Houston-Galveston Area Council concurrently with this DEA. As part of the General Conformity process, the USACE is making this document available to the public for review and comment for a period of 30 days. During this time, the USACE will consult with the TCEQ and the EPA seeking concurrence that emissions from the proposed project are conformant with the SIP for the Houston-Galveston-Brazoria (HGB) ozone nonattainment area (NAA). Once written confirmation is received from the TCEQ and the EPA, the USACE will prepare a Final General Conformity Determination for the proposed project. The proposed project is expected to only temporarily increase air emissions in the HGB ozone NAA, which is currently classified as a marginal nonattainment area for ozone. An analysis of estimated emissions associated with the proposed project indicates that there may be short-term impacts on air quality in the immediate vicinity of the project area, but no long-term impacts are expected. However, the estimated project emissions of nitrous oxides (NO<sub>x</sub>) exceed the conformity threshold of 100 tons per year, requiring a General Conformity Determination.

*Other Agency Authorizations:* It is also our preliminary determination that the proposed action is consistent with the Texas Coastal Management Program (TCMP) to the maximum extent practicable. The proposed work was coordinated with the Texas State Historic Preservation Officer (SHPO). The SHPO concurred that the proposed channel deepening portion of the project would have no effect on historic properties and that the proposed upland PA has no potential to effect historic properties.

The following is a list of Federal, state, and local agencies with which these activities are being coordinated:

U.S. Environmental Protection Agency, Region 6  
U.S. Department of Commerce  
U.S. Department of the Interior Eighth  
Coast Guard District  
Budget and Planning Office, Office of the Governor of Texas  
Houston-Galveston Area Council  
Texas Historical Commission  
Texas Parks and Wildlife Department  
Texas Commission on Environmental Quality Texas  
General Land Office  
The Texas Office of State-Federal Relations Texas  
Department of Transportation  
Texas Water Development Board Port of Houston

**STATE WATER QUALITY CERTIFICATION:** TCEQ certification is required. TCEQ is reviewing the proposed project under Section 401 of the Clean Water Act and in accordance with Title 31, Texas Administrative Code Section 279.1-13 to determine if the work would comply with state water quality standards. By virtue of an agreement between the U.S. Army Corps of Engineers and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this work may be submitted to:

Texas Commission on Environmental Quality  
Attention: Water Quality Division, MC-150  
P.O. Box 13087, Austin, Texas 78711-3087

The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in TCEQ's Austin office.

TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, and telephone number of the person making the request; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the project would adversely affect such interest.

**EVALUATION FACTORS:** The decision whether to proceed with the proposed action will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both the protection and utilization of important resources as well as public and environmental safety and economic concerns.

**ENVIRONMENTAL DOCUMENTATION:** The work described in this notice represents a change to the existing project. A preliminary review of this proposed plan indicates that an Environmental Impact Statement (EIS) is not required. This preliminary determination of EIS requirement will be changed if information brought forth in the coordination process is of a significant nature. Based on this determination, a DEA has been prepared. The DEA assesses potential impacts to the human and natural environment that would result from the proposed project. The document is available online at:

<http://www.swg.usace.army.mil/BusinessWithUs/PlanningEnvironmentalBranch/DocumentsforPublicReview.aspx>.

**PUBLIC COMMENT:** The USACE is soliciting comments from the public, Federal, state, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments will be considered in the evaluation of impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments will be used in preparation of the Final EA pursuant to NEPA. Comments are also used to determine the overall public interest of the proposed activity.

Persons desiring to express their views or provide information to be considered in evaluating the impact of this work and the future maintenance operations are requested to mail their comments to:

Andrea Catanzaro  
NEPA and Cultural Resources Section  
USACE, Regional Planning and Environmental Center  
P.O. Box 1229  
Galveston, Texas 77553-1229

The comments should make specific reference to Public Notice No. HGNC-15-01. The USACE, Galveston District will accept written public comments on the DEA and the DGCD from September 14, 2015 through October 15, 2015. Comments on the DEA and the DGCD must be postmarked by October 15, 2015.

Any person who has an interest that may be affected by this action may request a public hearing; The request must be submitted in writing within 30 days of the date of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by this activity.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and the DEA may be referred to Ms. Andrea Catanzaro at (409) 766-6346, or by email at [andrea.catanzaro@usace.army.mil](mailto:andrea.catanzaro@usace.army.mil).



Diana Laird  
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DEPARTMENT OF THE ARMY  
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OFFICIAL BUSINESS

ATTN: CESWF-PEC-TN